

ASSEMBLY BILL

No. 1259

Introduced by Assembly Member Caballero

February 23, 2007

An act to amend Sections 37396 and 56742 of the Government Code, relating to city property.

LEGISLATIVE COUNSEL'S DIGEST

AB 1259, as introduced, Caballero. City property: City of Soledad.

Existing law prohibits a city from entering into a new lease for its annexed property, as defined, to be used as a hotel, motel, or lodging house.

This bill would allow the City of Soledad to lease annexed territory for not to exceed 99 years for a hotel, motel, or lodging house, if the property contains a historical landmark, and if the legislative body of the City of Soledad adopts a resolution dedicating a portion of the income derived from the lease for the restoration, rehabilitation, and maintenance of the historical landmark.

This bill would state the findings and declarations of the Legislature concerning the need for special legislation.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 37396 of the Government Code is
- 2 amended to read:
- 3 37396. (a) A city, county, or city and county may lease
- 4 property owned, held, or controlled by it for *a period* not to exceed

1 99 years, for stadium, park, recreational, fair, exposition, or
2 exhibition purposes, or for general sports purposes such as training
3 and competitive sports.

4 (b) On and after April 24, 2002, a lease executed pursuant to
5 this section on territory annexed pursuant to Section 56472, may
6 not include a shopping center, hotel, motel, or lodging house, but
7 may include a lease for all other purposes authorized under this
8 section, including a lease for either or both of the following
9 purposes:

10 (1) Any dormitory or medical facility that exclusively, except
11 in the case of a medical emergency, serves individuals participating
12 in training or competitions held at the site leased pursuant to
13 subdivision (a).

14 (2) Any food facility, as defined by Section 113785 of the Health
15 and Safety Code, food vending, and sales of goods and services
16 incidental to, and in support of, the purposes of the lease.

17 (c) *Notwithstanding subdivision (b), the City of Soledad may*
18 *lease property pursuant to this section for a period not to exceed*
19 *99 years for a hotel, motel, or lodging house, if the property*
20 *contains a historical landmark, as defined in Section 5020.1 of*
21 *the Public Resources Code, and if the legislative body of the City*
22 *of Soledad adopts a resolution dedicating a portion of the income*
23 *derived from the lease for the restoration, rehabilitation, and*
24 *maintenance of the historical landmark.*

25 ~~(e)~~

26 (d) A lease made by a county pursuant to this section is subject
27 to Article 8 (commencing with Section 25520) of Chapter 5 of
28 Part 2 of Division 2 of Title 3.

29 SEC. 2. Section 56742 of the Government Code is amended
30 to read:

31 56742. (a) Notwithstanding Section 56741, upon approval of
32 the commission a city may annex noncontiguous territory not
33 exceeding 300 acres if the territory meets all of the following
34 requirements:

35 (1) It is located in the same county as that in which the city is
36 situated.

37 (2) It is owned by the city.

38 (3) It is used for municipal purposes at the time commission
39 proceedings are initiated.

1 (b) Territory which is used by a city for the reclamation,
2 disposal, and storage of treated wastewater may be annexed to the
3 city pursuant to this section without limitation as to the size of the
4 territory.

5 (c) If territory is annexed pursuant to this section, the annexing
6 city may not annex any territory not owned by the city, not used
7 for municipal purposes, and not contiguous to the city, although
8 the territory is contiguous to the territory annexed pursuant to this
9 section.

10 (d) Notwithstanding any other provision of this section, a city
11 which annexes territory pursuant to this section may annex
12 additional territory in the same county as that in which the city is
13 situated which is owned by the United States government or the
14 State of California and which is contiguous to the first annexed
15 territory if the total acreage of the first annexed and the
16 subsequently annexed territory together does not exceed 300 acres
17 in area. If after the completion of the subsequent annexation, the
18 city sells any or all of the first annexed territory, the subsequently
19 annexed territory shall cease to be part of the city if the
20 subsequently annexed territory is no longer contiguous to territory
21 owned by the city.

22 (e) When any or all of the territory annexed to a city pursuant
23 to this section is sold by the city, all of the territory that is no longer
24 owned by the city shall cease to be a part of that city.

25 (f) (1) A city may lease territory annexed pursuant to this
26 section for any of the purposes authorized pursuant to ~~Sections~~
27 ~~37380 to 37396, inclusive, Article 2 (commencing with Section~~
28 ~~37380) of Chapter 5 of Part 2 of Division 3 of Title 4~~ as well as
29 enter into leases for the construction and operation of electrical
30 generation, transmission, and distribution. If, however, a city enters
31 into a lease on and after April 24, 2002, pursuant to Section 37395,
32 37396, or any other provision of law, that would authorize the
33 development of a shopping center, hotel, motel, or lodging house
34 on territory annexed pursuant to this section, the affected territory
35 shall cease to be a part of the city.

36 (2) *Notwithstanding paragraph (1), the City of Soledad may*
37 *lease territory annexed pursuant to this section for a period not*
38 *to exceed 99 years for a hotel, motel, or lodging house, if the*
39 *property contains a historical landmark, as defined by Section*
40 *5020.1 of the Public Resources Code, and if the legislative body*

1 *of the City of Soledad adopts a resolution dedicating a portion of*
2 *the income derived from the lease for the restoration,*
3 *rehabilitation, and maintenance of the historical landmark.*

4 (g) When territory ceases to be part of a city pursuant to this
5 section, the legislative body of the city shall adopt a resolution
6 confirming the detachment. The resolution shall describe the
7 detached territory and shall be accompanied by a map indicating
8 the territory. Immediately upon adoption of the resolution, the city
9 clerk shall make any filing required by Chapter 8 (commencing
10 with Section 57200) of Part 4.

11 (h) If territory annexed to a city pursuant to this section becomes
12 contiguous to the city, the limitations imposed by this section shall
13 cease to apply.

14 SEC. 3. The Legislature finds and declares that because of the
15 unique circumstances applicable to the City of Soledad with respect
16 to historical landmarks, a statute of general applicability cannot
17 be enacted within the meaning of subdivision (b) of Section 16 of
18 Article IV of the California Constitution, and the enactment of a
19 special statute is therefore necessary.